

ORDINANCE NO. 94-21

AN ORDINANCE TO AMEND SECTION 1323.01 (DEFINITIONS) AND SECTION 1323.07 (APPEAL TO PLANNING COMMISSION) OF THE CITY OF CONNEAUT CODIFIED ORDINANCES, AND NOT DECLARING AN EMERGENCY.

BE IT ORDAINED, by the City of Conneaut, County of Ashtabula and State of Ohio:

SECTION 1. That Section 1323.01 - Definitions of the City of Conneaut Codified Ordinances is hereby amended as follows:

1323.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply:

- a) "Demolition material" means all material, including but not limited to, rock, stone, concrete, and asphalt which is used in construction, mining, building maintenance, or road or street maintenance.
- b) "Furniture and/or Other Materials" means those items manufactured to be used inside a building or structure, such as, but not limited to, couches and chairs (conventional or overstuffed), mattresses, box springs, water closets, sinks, cabinets, tables, game tables, or other similar items manufactured to be used for interior purposes.
- c) "Garbage" means all putrescible matter, including but not limited to animal or vegetable wastes or feces, whether solid, liquid or mixed, which attends, exists, or is created or accumulates within the City.
- d) "Litter" includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of vehicles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.
- e) "Occupant" means any person being the owner or having tenement, lessee or other contractual rights to the premises. An occupied dwelling shall mean any structure or building used as a full time or part time residence as evidenced by any of the following: sleeping quarters, mailing address, utilities or any other indication that the structure or building is being occupied for overnight stays of whatever duration.
- f) "Owner" means the owner of record of the premises in fee or any lesser estate therein, a mortgagee or vendee in possession, assignee of the rents, receiver, executor, administrator, trustee, lessee or other person in control of the premises or their duly authorized agents including but not limited to property managers.
- g) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- h) "Rubbish or refuse" means all natural or manmade matter, whether putrescible or non-putrescible, combustible or noncombustible and including but not limited to ashes, paper, tin, tin cans, bottles, glass, a non-permitted temporary sign, a temporary sign when its temporary sign permit has expired, vegetable material, brush, grass, leaves, wrappings, cardboard, trees, shrubs, crockery, dead animals, furniture or appliances (or parts thereof), industrial waste, waste of a dangerous or explosive nature, septic tank cleanings, demolition matter, rubber tires, rubber products, metal, motor vehicle parts or pieces,

engines and motors or parts thereof, any upholstered furniture not manufactured, designed, and intended for exterior use, or any similar object which is not clearly intended for outdoor use on the premises.

- i) "Weeds" means all burrs, vines, Russian, Canadian and common thistles, briars, dock, burdock, wild mustard, jimson weed, dog fennel, ragweed, golden rod, sweet clover, wild parsnip, wild carrot and other noxious vegetation growing wild and uncultivated upon any land within the City, which may cause noxious exhalations.
- j) "Public nuisance" means any yard, land or lot, fence, wall, garage, shed, house, building, structure, sign, tree, pole, smoke stack, or any excavation, basement, cellar, well, cistern or sidewalk subspace or part thereof:
 - 1) Having an accumulation of demolition material, garbage, litter, rubbish or weeds, which accumulation creates a danger to health, life, limb or property. ~~or~~
 - 2) Which will cause hurt, harm, discomfort, damage or injury to the public or to any considerable number of persons in the City or to members of the public by reason of any one or more of the following:
 - A. Being detrimental to the general health of the community,
 - B. Being a fire hazard,
 - C. ~~Being unsafe for occupancy, or unfit for human occupancy, as~~ defined below,
 - D. Being an attractive nuisance to children,
 - E. Lack of reasonable or adequate maintenance of structures, and grounds, causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community,
 - F. Having a condition which violates a provision of the Building and Housing Code adopted in Chapter Thirteen of the Codified Ordinances of the City of Conneaut, Ohio,
 - G. Being a bench billboard which has fallen into such a state of disrepair or has suffered such damage and wear so as to no longer be in compliance with the City's Housing and Building Code or is otherwise dangerous to use,
 - H. A sign which prohibited under Section 1133.05 of the Codified Ordinances of the City of Conneaut, Ohio.
- k) "Public nuisance" shall also mean any yard, land, or lot, or part thereof, other than a yard or lot zoned or legally used, for any use first permitted by Chapter Eleven of the Codified Ordinances of the City of Conneaut which has placed or stored thereupon any used washer, dryer, refrigerator, dishwasher, stove, range, oven, freezer, water heater or other like major appliance, including, but not limited to, any yard, land, or lot or part thereof, upon which any such major household appliance is placed for purposes of outdoor sales and/or outdoor display.
- k)l) "Unfit for human occupancy" shall mean any structure that is unsafe, unsecured, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. An occupied dwelling without active water is prima facie evidence that the dwelling is unfit for human occupancy and is a public nuisance.

SECTION 2. That Section 1323.07 – Appeal to Planning Commission of the City of Conneaut Codified Ordinances is hereby amended as follows

1323.07 APPEAL TO PLANNING COMMISSION.

- (a) Except as otherwise provided in this Chapter, any owner or tenant of a building, wall, structure or premises shall have the right to appeal from any determination of the Planning and Zoning Manager and to appear before the Planning Commission of the City at a time and place to be determined by the Planning Commission.
- (b) Such ~~person shall file an notice of appeal shall be filed with the~~ Planning and Zoning Manager Secretary of the Planning Commission in writing within ten (10) days after receipt of any notice given under the provisions of this chapter.

SECTION 3. That all other prior ordinances found to be inconsistent with this ordinance are hereby repealed.

SECTION 4. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 5. That this Ordinance is not declared to be an emergency measure in the interests of public peace, health and safety and, shall take effect thirty (30) days after passage.

Passed this 12th day of October, 2021.

A. A. Deane
President of Council

ATTEST:

Pamela O'Connell
Clerk of Council

I, Pamela O'Connell, Clerk of the Council of the City of Conneaut, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. No. 94-21 passed on the 12th day of October, 2021 by said Council.
Pamela O'Connell
Clerk of Council 10-12-21